

From: Sullivan, Tim  
Sent: Monday, March 04, 2019 08:04 PM  
To: Mia, Marcia  
CC: Sullivan, Tim  
Subject: RE: 30 vs 180 days for LDAR

## Ex. 5 Attorney Client (AC)

Thanks -

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Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202  
  
Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

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From: Mia, Marcia  
Sent: Monday, March 4, 2019 1:01 PM  
To: Sullivan, Tim <Sullivan.Tim@epa.gov>  
Subject: RE: 30 vs 180 days for LDAR

## Ex. 5 Attorney Client (AC)

Marcia B Mia  
  
Air Branch  
  
Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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From: Sullivan, Tim  
Sent: Monday, March 04, 2019 2:22 PM  
To: Mia, Marcia <Mia.Marcia@epa.gov>  
Cc: Sullivan, Tim <Sullivan.Tim@epa.gov>  
Subject: RE: 30 vs 180 days for LDAR

Hi, Marcia.

I finally connected with Karen. Ex. 5 Attorney Client (AC)

## Ex. 5 Attorney Client (AC)

Thanks -

Tim

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Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202  
  
Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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From: Sullivan, Tim  
Sent: Monday, February 25, 2019 9:39 AM  
To: Mia, Marcia <Mia.Marcia@epa.gov>  
Cc: Sullivan, Tim <Sullivan.Tim@epa.gov>  
Subject: RE: 30 vs 180 days for LDAR

I will call Karen and let know what I hear.

Thanks, Marcia.

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Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202  
  
Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

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From: Mia, Marcia  
Sent: Monday, February 25, 2019 6:40 AM  
To: Sullivan, Tim <Sullivan.Tim@epa.gov>  
Subject: FW: 30 vs 180 days for LDAR

**Ex. 5 Attorney Client (AC)**

## Ex. 5 Attorney Client (AC)

Can you ask KM for the RI that they reference? Or I can ask David Cozzie. LMK.

Marcia B Mia

Air Branch

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From: Marsh, Karen

Sent: Friday, February 22, 2019 9:03 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: 30 vs 180 days for LDAR

## Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

80 FR

56647 - 56648.

8. Initial Compliance Clarification

An issue was raised in an administrative petition that EPA did not adequately respond to a comment on the 2011 proposed NSPS regarding compliance period for the LDAR requirements for On-Shore Natural Gas Processing Plants. The comment at issue 119 requested that EPA include in subpart OOOO a provision similar to subpart KKK, 40 CFR 60.632(a), which allows a compliance period of up to 180 days after initial start-up. The commenter was "'concerned that a modification at an existing facility or a subpart KKK regulated facility could subject the facility to Subpart OOOO LDAR requirements without adequate time to bring the whole process unit into compliance with the new regulation.'" 120

We clarify that subpart OOOO, as promulgated in 2012, already includes a provision similar to subpart KKK, § 60.632(a), as requested in the comment. Specifically, § 60.5400(a) requires compliance with 40 CFR 60.482-1a(a), which provides that "[e]ach owner or operator subject to the

provisions of this subpart shall demonstrate compliance . . . within 180 days of initial startup.'" This provision applies to all new, modified, and reconstructed sources. With respect to modification, which was of specific concern to the commenter, a change to a unit sufficient to trigger a modification and thus application of the subpart 0000 LDAR requirements for on-shore natural gas processing plants would be followed by startup, which would mark the beginning of the 180 day compliance period provided in 40 CFR 60.482-1a(a) (incorporated by reference in subpart 0000 § 60.5400(a)).

\*\*\*\*\*

Karen R. Marsh, PE  
US EPA, OAQPS, Sectors Policies and Programs Division  
Fuels and Incineration Group  
109 TW Alexander Drive, Mail Code E143-05  
Research Triangle Park, NC 27711  
Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Mia, Marcia  
Sent: Friday, February 22, 2019 8:05 AM  
To: Marsh, Karen <Marsh.Karen@epa.gov>  
Subject: 30 vs 180 days for LDAR

Hey Karen,

## Ex. 5 Deliberative Process (DP)

Could I get a copy of that reg interpretation? I don't recall seeing it. Thanks!

Marcia B Mia

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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